

subclass 177; or

Group II, Claims 14-21, drawn to a method for carrying out a water gas shift reaction, classified in class 423, subclass 437.2.

In light of the remarks below, Applicants respectfully request the Examiner to reconsider and withdraw her restriction requirement.

The Examiner indicated that the two groups of claims are related to a "product and process of use", and that the inventions are distinct if either (1) the "process for using the product as claimed can be practiced with another materially different product", or (2) the "product as claimed can be used in a materially different process of using that product", citing MPEP § 806.05(h). The Examiner alleges that the "product as claimed can be used in another and materially different process, such as a process for purifying exhaust gases, or a process for the chemical conversion of hydrocarbons."

It is submitted that the catalyst composition and method of preparing a supported transition metal composition claims generally parallel the method for carrying out a water gas shift reaction claims. The Examiner is requested to reconsider her position since the catalyst composition and method of preparing a supported transition metal composition claims, and the method for carrying out a water gas shift reaction claims are so closely related that maintaining them in the same application would not cause undue hardship for the Examiner. Section 803 of the Manual of Patent Examining Procedures states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Since the Examiner has not proven that there would be such a "serious burden", and Applicants submit that there would be none, the Examiner is requested to reconsider the restriction requirement.

While Applicants have elected Claims 1-13 and 22-29 with traverse for initial examination, Applicants reserve the right to file divisional/continuation applications directed to the subject matter of Claims 14-21 in future prosecution.

Favorable consideration of this application is respectfully requested. If the Examiner believes that personal contact would be advantageous to the disposition of this case, the Examiner is requested to contact the undersigned at the Examiner's earliest convenience.

Respectfully submitted,
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SME/Id